

REMARKS

The application has been amended and is believed to be in condition for allowance.

Amendments to the Disclosure

New claims 42-80, including independent claims 42 and 70, are introduced to claim the invention. Claims 1-41 are canceled, without prejudice.

New claims 42-80 find support in claims 1-41 as originally filed, and also the specification and the drawing figures. Particularly, new claims 42 and 70 include subject matter corresponding to original claims 1, 2, and 3. It is respectfully submitted that no new matter is believed to be introduced by the new claims 42-80.

Formal Matters - Objections to the Claims

The Official Action objected to claims 1-41, stating that each claim begins with a capital letter and ends with a period.

In response, claims 1-41 are canceled, as indicated above. Accordingly, it is respectfully submitted that the objection is rendered moot.

It is further respectfully submitted that the new claims 42-80 are compliant with 37 CFR. 1.75 and MPEP § 608.01(m).

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 1, 31, and 38 under 35 USC 112, second paragraph as being indefinite.

In response, claims 1-41 are canceled, as indicated above. Accordingly, it is respectfully submitted that the rejections under Section 112 are rendered moot.

It is further respectfully submitted that the new claims 42-80 are definite in view of the rejections raised by the Official Action under 35 USC 112, second paragraph. Particularly, exemplary language (e.g., beginning with "for example" and "in particular") as well as the term "certain" is omitted from the new claims.

Withdrawal of the rejections under 35 USC 112, second paragraph is respectfully requested.

Substantive Issues - Section 103

The Official Action rejected claims 1-4, 31 and 37 under 35 USC 103(a) as being unpatentable over Viljoen (EP 0559357; "VILJOEN" in view of Risi (U.S. 2002/0154012; "RISI").

The Official Action rejected claim 13 under 35 USC 103(a) as being unpatentable over VILJOEN, in view of RISI, Trajkovic (U.S. 2002/0167408; "TRAJKOVIC", Garoutte (U.S. 20100074472; "GAROUTTE") and Flickner et al (U.S. 2003/0107649; "FLICKNER").

It is respectfully noted that Applicant was unable to locate GAROUTTE as indicated as document U.S. 20100074472, either

as a publication or a patent number. GAROUTTE is also not listed in the Notice of References Cited attached to the Official Action. In the event that rejections under this reference are maintained, Applicant respectfully requests that the reference be listed in the Notice of References Cited with the corresponding application serial number.

The Official Action rejected claims 5, 6, and 11 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and GAROUTTE.

The Official Action rejected claims 8 and 9 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and Brodsky et al. (U.S. 2008/0226127; "BRODSKY").

The Official Action rejected claim 10 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and FLICKNER.

The Official Action rejected claims 7 and 12 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI, and TRAJKOVIC.

The Official Action rejected claim 14 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and Glier (U.S. 6,160,061; "GLIER").

The Official Action rejected claim 15 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and GLIER and Petrovsky (U.S. 4,184,156; "PETROVSKY").

The Official Action rejected claim 16 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and GLIER and BRODSKY.

The Official Action rejected claim 17 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and GLIER and Eckstein (U.S. 7,081,818; "ECKSTEIN").

The Official Action rejected claims 30 and 33 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI, and TRAJKOVIC and GLIER.

The Official Action rejected claims 34 and 35 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI, and TRAJKOVIC and GLIER and PETROVSKY.

The Official Action rejected claim 38 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and GLIER and PETROVSKY and Waehner et al. (U.S. 2007/0133844; "WAEHNER").

The Official Action rejected claims 18, 32, and 39 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and Burley (U.S. 5,001,558; "BURLEY").

The Official Action rejected claims 19-21 and 28 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC.

The Official Action rejected claim 29 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and Inaba (U.S. 2002/0030594; "INABA").

The Official Action rejected claims 22 and 24 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and Prehn (U.S. 2003/0117280; "PREHN").

The Official Action rejected claim 25 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and PREHN and Nahata (U.S. 2001/0052839; "NAHATA").

The Official Action rejected claim 26 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and PREHN and FLICKNER.

The Official Action rejected claim 27 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and PREHN and FLICKNER and BURLEY.

The Official Action rejected claim 23 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and BURLEY and TRAJKOVIC and PREHN and Denimarck (U.S. 2003/0018522; "DENIMARCK").

The Official Action rejected claim 36 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and PREHN.

The Official Action rejected claim 40 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and TRAJKOVIC and PREHN and FLICKNER.

The Official Action rejected claim 41 under 35 USC 103(a) as being unpatentable over VILJOEN in view of RISI and ECKSTEIN.

In response, it is firstly noted that claims 1-41 are canceled, as indicated above. It is respectfully submitted that new claims 42-80 are patentable over the prior art references applied by the Official Action.

For example, it is respectfully submitted that none of the applied references, individually or in combination, teach or suggest the step of analyzing a profile, including the sub-steps of filtering zones of the profile in order to mask the zones or to eliminate interference zones, and dividing the profile into zones which are processed separately, as recited by claim 42.

On the contrary, the applied references do not disclose the filtering and dividing steps, nor do the applied references suggest to one of skill to approach these steps.

Further, the Official Action states that the primary reference VILJOEN discloses, on paragraph 34, a step of "filtering the profile in order to mask them or to eliminate interference zones".

Applicant respectfully disagrees. VILJOEN discloses, in paragraph 34: "It furthermore allows the user to eliminate false alarms produced by spurious causes like power-line glitches". Hence VILJOEN does not recite filtering the profile to eliminate or mask certain zones of the profile.

On the contrary, VILJOEN discloses that false alarms due to power-line glitches can be eliminated. Again, no filtering of the profile, and no elimination or masking of certain zones of the profile is taught in VILJOEN.

Further, the Official Action states that VILJOEN discloses, on paragraph 34 and Fig. 4, a step of "dividing the profile into zones which are processed separately".

Applicant respectfully disagrees. It is respectfully submitted that paragraph 34 of VILJOEN discloses no information about such a dividing step. Regarding Fig. 4, the latter represents "schematic diagrams of various outputs of the neural network resulting from interruptions of the sensing means" (see, page 3, lines 27-28 of VILJOEN). Referring to page 4 lines 16 to 29 of VILJOEN, Fig. 4 is described as showing raw data of different persons walking through the sensing means. Again VILJOEN fails to disclose a step of dividing the profile into zones.

Further, VILJOEN discloses using neural networks to compare a graph generated by sensing means to a set of preselected graphs. This technique does not require or suggest filtering or dividing as recited in the independent claims of the application. On the contrary, a neural network is trained to "learn", the learning process leading to optimized weights for a given task.

In VILJOEN, the task to "learn" and to "accomplish" is the comparison of a profile with a set of profiles. Hence, no filtering or dividing can be accomplished by the neural network which is trained to "compare".

In the present application, the detection of the passage of one person only is realized by analyzing separately the zones of the profile. Examples of such an analysis are given on Figures 13 to 17. The given examples comprise the analysis of the size and the volume of the zones. The present invention does not involve and is not based on a comparison of the profile with a set of profiles as disclosed in VILJOEN.

It is therefore respectfully submitted, based at least on the reasons set forth above, that neither the primary reference VILJOEN nor and of the other references applied by the Official Action, individually or in combination, disclose all the elements of the independent claims. Accordingly, it is respectfully submitted that the independent claim 42 is patentable over the applied prior art references.

It is also respectfully submitted that independent claim 70 is patentable over the applied prior art references at least for the same reasons as set forth above with respect to claim 42.

It is further respectfully submitted that the claims depending from claims 42 and 70 are patentable at least for respectively depending from patentable parent claims.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicants have fully responded to the May 27, 2010 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicants at the number provided below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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